

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ROBERTO RODRIGUEZ,
Petitioner,

-V.-

UNITED STATES OF AMERICA,
Respondent.

FILED
CLERK'S OFFICE

2006 AUG 21 P 4:28
No. 05-2286

U.S. DISTRICT COURT
DISTRICT OF MASS
No. 04-cv-11869 - NMG

NOTICE OF APPEAL

COMES NOW the Petitioner pursuant to the Court of Appeals Order dated August 4, 2006 directing the Petitioner to file a Notice of Appeal. The reasons are stated within.

1. The Petitioner asserts that Rule 22(a) governing the rules in § 2255 proceedings concerning certificates of appealability. Plainly state that when a Petitioner files a Notice of Appeal with the district court the court can construe the Notice of Appeal as a request for a certificate of appealability.

The court then must in writing state whether a certificate should issue or not. Then the court must send the record and the reason in writing why a certificate should or should not issue to the court of appeals.

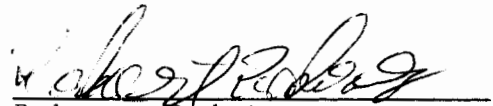
2. The Petitioner Respectfully request that the district court construe this notice as a request for a Certificate of Appealability. To send the record and the reason in writing why or why not a certificate should issue to the court of appeals so that the Petitioner can move forward with informal briefing on his

issues of genuine material fact.

Done this 15th day of August 2006 at F.C.I. Fort Dix, N.J.

Respectfully Submitted,

Dated: August 15, 2006

/s/ 
Roberto Rodriguez
Reg. # 80213-038
FCI. Fort Dix
P.O. Box 38
Fort Dix, NJ. 08640

CERTIFICATE OF SERVICE

I Roberto Rodriguez do hereby certify that the original plus 2 copies of Notice of Appeal was sent to the Clerks Office upon the address of United States District Court, John Joseph Moakley Courthouse, 1 Courthouse Way, Suite 2300, Boston, MA. 02210 by U.S. First Class Mail this 15Th day of August 2006.

Date: August 15, 2006

/s/ 
Roberto Rodriguez